

CLOSED, ECF, RELATED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:06-cv-02811-SAS**

Mitsumoto et al v. Republic Osterreich  
Assigned to: Judge Shira A. Scheindlin  
Demand: \$9,999,000  
Related Case: 1:03-cv-08960-SAS  
Cause: 28:1331 Fed. Question: Personal Injury

Date Filed: 04/11/2006  
Date Terminated: 07/09/2007  
Jury Demand: None  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Nanae Mitsumoto**  
*mother of Saori Mitsumoto (killed in  
Nov.11, 2000 Kaprun fire)*

represented by **Edward Davis Fagan**  
Fagan and Associates  
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Fax: (813) 282-0384  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Masatoshi Mitsumoto**  
*father of Saori Mitsumoto (killed in Nov  
11, 2000 Kaprun fire)*

represented by **Edward Davis Fagan**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James F. Lowy**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

		(Other), Notice (Other). Document filed by Masatoshi Mitsumoto. (Fagan, Edward) (Entered: 06/16/2007)
06/18/2007	<u>52</u>	NOTICE OF CHANGE OF ADDRESS by Edward Davis Fagan on behalf of all plaintiffs. New Address: Edward D. Fagan Esq., Five Penn Plaza, 23rd Floor, New York, NY, USA 10001, (646) 378-2225. (Fagan, Edward) (Entered: 06/18/2007)
06/20/2007	<u>53</u>	MEMORANDUM OPINION & ORDER # 94808... In accordance with this Court's findings that ptffs' choice of forum is entitled to greatly diminished deference, that Australia is an adequate alternative forum, and that the scales of convenience tip overwhelmingly in favor of dismissal, all five actions within this MDL brought solely on behalf of foreign plaintiffs are dismissed on the ground of forum non conveniens. The Clerk of Court is directed to close these cases [Nos. 03-8960, 03-8961, 06-2811, 07-935 and 07-3881. This Document relates to 03-8960, 03-8961, 06-2811, 07-935, 07-3881. (Signed by Judge Shira A. Scheindlin on 6/19/07) (rjm) (Entered: 06/20/2007)
06/25/2007	<u>54</u>	NOTICE of of Filing of Affidavit of Bias pursuant to 28 USC Sec. 144. Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit of Bias pursuant to 28 USC Sec. 144 submitted by Dr. Toichiro Kigawa# <u>2</u> Appendix Signature Page of Dr. Kigawa# <u>3</u> Affidavit of Bias pursuant to 28 USC Sec. 144 submitted by Dr. Bernd Geier# <u>4</u> Appendix Signature Page of Dr. Geier)(Fagan, Edward) (Entered: 06/25/2007)
06/29/2007		DEFENDANTS' JOINT RESPONSE re: <u>54</u> Notice Of Declarations of Bias under 28 USC 144. Original Document filed in 03cv8960 doc. #167. Document filed by The Bosch Group, Hydac Technology Corp., Siemens AG, WIKA, Oesterreichische Elektrizitats Wirtschafts AG, Verbund - Austrian Hydro Power, Gletscherbahn Kaprun AG, Robert Bosch GmbH and Bosch Rexroth AG, Gletscherbahnen Kaprun AG, Salzburgerland Tourismus GmbH, Europa Sportregion Marketing GmbH, Verbund-Austrian Hydro Power AG, Hydac Hydraulic GmbH, Siemens Transportation Systems GmbH & Co KG, Siemens AG Oesterreich, Robert Bosch AG. (jar) (Entered: 07/12/2007)
06/29/2007		DEFENDANTS' JOINT RESPONSE to Notice Of Declarations of Bias under 28 USC 144. Original Document filed in 03cv8960 doc. #168. Document filed by Republik Osterreich, The Bosch Group, Hydac Technology Corp., Siemens AG, WIKA, Oesterreichische Elektrizitats Wirtschafts AG, Verbund - Austrian Hydro Power, Gletscherbahn Kaprun AG, Republic of Austria, Robert Bosch GmbH and Bosch Rexroth AG, Gletscherbahnen Kaprun AG, Salzburgerland Tourismus GmbH, Europa Sportregion Marketing GmbH, Verbund-Austrian Hydro Power AG, Hydac Hydraulic GmbH, Siemens Transportation Systems GmbH & Co KG, Siemens AG Oesterreich, Robert Bosch AG, Bosch Rexroth GmbH. (jar) (Entered: 07/12/2007)
07/01/2007	<u>55</u>	NOTICE of of Filing of 28 June 2007 Supplemental Affidavit of Bias pursuant to 28 USC Sec 144 by Dr. Bernd Geier re: <u>54</u> Notice (Other), Notice (Other). Document filed by Geier, Hermann. (Attachments: # <u>1</u> Affidavit Supplemental

		Affidavit of Bias pursuant to 28 USC Sec 144 by Dr. Bernd Geier# 2 Exhibit Signature Page of Dr. Bernd Geier# 3 Exhibit Signature Page of Ed Fagan# 4 Exhibit 1 to Geier Supplemental Affidavit of Bias - 21 Aug 2006 Stieldorf Emailed Letter to Judge Scheindlin# 5 Exhibit 2 to Geier Supplemental Affidavit of Bias 21 Aug 2006 Judge Scheindlin Response to Stieldorf Emailed Letter# 6 Exhibit 3 to Geier Supplemental Affidavit of Bias 6 June 2007 Email Confirming Judge Scheindlin Conversation with Witness Rosa)(Fagan, Edward) (Entered: 07/01/2007)
07/04/2007	<u>56</u>	MOTION for Extension of Time to <i>File Motions Related to Opinion and Order Entered on 20 June 2007 and for Other Relief</i> . Document filed by Geier, Hermann. (Attachments: # 1 Appendix of Fagan and Geier in Support of Motion# 2 Supplement Fagan and Geier Signature Page# 3 Exhibit 1 to Motion List of Documents to Supplement the Record# 4 Exhibit 2 to Motion Summary of Errors and Abuse of Discretion Supporting Reconsideration and Reversal of Opinion and Order Entered on 20 June 2007, as well as Instances of Alleged Bias, Prejudice and Ex Parte Contacts Related to Recusal)(Fagan, Edward) (Entered: 07/04/2007)
07/05/2007	<u>57</u>	DECLARATION of Ed Fagan and Dr. Bernd Geier in Support re: <u>56</u> MOTION for Extension of Time to <i>File Motions Related to Opinion and Order Entered on 20 June 2007 and for Other Relief</i> .. Document filed by Geier, Hermann. (Attachments: # 1 Supplement Fagan and Geier Signature Page# 2 Exhibit 1 - English Translation Excerpts from July 2007 German Prosecutors Report# 3 Exhibit 2 German Prosecutor's Report 3 July 2007 Transmittal to Dr. Hasslacher# 4 Exhibit 3 German Prosecutors Report in German# 5 Exhibit 4 News Articles Related to German Prosecutors Report)(Fagan, Edward) (Entered: 07/05/2007)
07/09/2007		CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated June 19, 2007, all five actions within this MDL brought solely on behalf of foreign plaintiffs on the grounds of forum non conveniens are dismissed; accordingly, these cases, [Nos. 03 civ. 8960; 03 Civ. 8961; 06 Civ. 2811; 07 Civ. 0935; and 07 Civ.3881], are closed (Orig. filed in case no. 01 MDL 1428 (SAS) as doc. # 307. (Signed by J. Michael McMahon, clerk on 1/9/07) (ml) (Entered: 07/09/2007)
07/31/2007		MEMORANDUM OF LAW in Support of motion for (1)Reconsideration and other relief pursuant to Local Rule 6.3 & F.R.C.P. 60(b), (ii)granting prior motions against Omniglow Corp/Cyalume Technologies for preclusion; (iii) granting Plaintiffs permission to intervene in existing cases against Omniglow Corp. & BoschRexroth Corp. (iv) convening a final pre-trial conference related to claims Omniglow/Cyalume Technology and Bosch Rexroth Corp. And scheduling cases for immediate Trials; (v) permitting plaintiffs to amend complaints to state new causes of action in accordance with <i>Ross v. Louise Wise Serv/. Inc.</i> (Orig. docketed in 03cv8960 as document #169. Document filed by Christine Bruckmair, Brigitte Decker, Peter Decker, Maria Eshuis, Eri Deguchi, Nobuko Deguchi, Tomonari Deguchi, Youko Deguchi, Fabian Dorner, Julia

	Dorner, Dieter Christoph, Franziska Steidl Christoph, Sophie Christoph, Hermine Eidenberger, Mario Anhaus, Gisela Falk, Petra Exenberger, Johann Blaimauer, Ingeborg Blaimauer, Johann Bruckmair. (pl) (Entered: 08/14/2007)
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